

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CHARLES MENDES,  
Plaintiff,

CIVIL ACTION  
NO: 05-10912-DPW

VS.

UNITED STATES OF AMERICA,  
Defendants.

JOINT MOTION TO CONTINUE THE OCTOBER 25, 2006 MEDIATION  
BEFORE MAGISTRATE JUDGE BOWLER

Now come the parties, in the above-entitled action, by and through their undersigned attorneys, and respectfully move this Honorable Court to continue the Mediation presently scheduled for October 25, 2006 until December 13, 2006. As grounds in support, the parties submit the following for the Court's consideration.

1. The plaintiff instituted this action (Jones Act, Unseaworthiness, and Maintenance & Cure) to recover for personal injuries he sustained while serving onboard the defendant's vessel as its 1<sup>st</sup> Assistant Engineer. Since the incident, the plaintiff has undergone three (3) surgical procedures to his dominant right wrist; with the most recent surgery (fusion) being performed at Massachusetts General Hospital on March 23, 2006.
2. Plaintiff's medical status at this time is still in limbo due to the fact he may have future surgery and his condition is still being evaluated. The future prognosis of the plaintiff's medical condition, which remains uncertain at this time, will have a significant impact on settlement negotiations. As such, in order to ensure a meaningful Mediation session, the parties request that it be continued for approximately two (2) months.

**WHEREFORE**, the parties pray that this Honorable Court  
continue the October 25, 2006 Mediation until December 13,  
2006.

Respectfully submitted,

**FOR THE PLAINTIFF**

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